

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

<b>LESLIE LAMBERTIS,</b>	)	<b>CASE NO. 3:21-cv-0047</b>
	)	
<b>Plaintiff,</b>	)	<b>ACTION FOR DAMAGES</b>
	)	
<b>v.</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>STARFISH MARKET, CORPORATION,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**APPEARANCES:**

**Joseph Caines, Esq.**

Law Offices of Joseph Caines, P.C.

St. Thomas, USVI

*For Plaintiff Leslie Lambertis*

**Gregg R. Kronenberger, Esq.**

**Charles E. Lockwood, Esq.**

Dudley Newman Feuerzeig, LLP

St. Croix, USVI

*For Defendant Starfish Market, Corp.*

**ORDER**

**THIS MATTER** comes before the Court on Defendant's motion to dismiss Counts II, III, IV, and V of the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, filed on July 1, 2021.<sup>1</sup> (ECF No. 7.) For the reasons stated in the accompanying Memorandum Opinion of even date, it is hereby

**ORDERED** that Defendant's motions to dismiss for failure to state a claim, ECF Nos. 7 and 9, are **GRANTED**; it is further

**ORDERED** that Counts II, III, IV, and V of the Complaint are **DISMISSED WITHOUT PREJUDICE**; it is further

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<sup>1</sup> Defendant Starfish Market filed a virtually identical "corrected" motion to dismiss on July 16, 2021, to correct the title of the motion. See ECF No. 9.

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**ORDERED** that Plaintiff shall be permitted leave to file an amended complaint in order to cure the deficiencies in the original complaint; it is further

**ORDERED** that Plaintiff shall, within twenty-one (21) days of date of entry of this Order, file an Amended Complaint. Failure to file an Amended Complaint shall result in the aforementioned counts being dismissed with prejudice; it is further

**ORDERED** that Defendant shall, within fourteen (14) days of service and filing of the Amended Complaint, file a responsive pleading.

**DONE AND SO ORDERED.**

**Dated:** March 30, 2022

*/s/ Robert A. Molloy*  
**ROBERT A. MOLLOY**  
**Chief Judge**